

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

September 15, 2023

BY ECF

The Honorable Jennifer H. Rearden
United States District Judge
500 Pearl Street
Southern District of New York
New York, New York 10007

Re: *United States v. Charles McGonigal*, 23 Cr. 16 (JHR)

Dear Judge Rearden:

The Government respectfully submits this letter pursuant to the Court's order to address the request of defendant Charles McGonigal to delay two aspects of his sentencing process. (Dkt. 65).

The Government has no objection to the defendant's request to provide the Government a classified written summary of his intended classified supplement to his sentencing submission one week later than presently scheduled. The Government believes that if it receives that summary on or before September 22, 2023, as McGonigal now requests, the overall sentencing process will not be materially affected.

The Government objects, however, to the defendant's request to adjourn the date for the first disclosure of the presentence report to October 20, 2023. The Government understands, based on its discussion with the Probation Office, that McGonigal unnecessarily cancelled his scheduled interview based on a purported need to gather unspecified documents, despite being informed that documents were not needed for the interview and could be submitted at a later date. And because the first disclosure of the presentence report is necessary for the parties to formulate and present any objections to the report, a two-week delay in the first disclosure could lead to further requests to delay the second disclosure—which must include those objections—and in turn to delay the sentencing itself. The Government is not reassured by McGonigal's statement that his current requested delay "may" not delay the sentencing itself. (Dkt. 64 at 2).

That said, the Government understands that the Probation Office may require some additional time to complete its first disclosure in light of McGonigal's delay in submitting to an interview. Based on its discussions with the Probation Office, the Government believes that a slight adjournment of the first disclosure date to October 13, 2023, would be reasonable, and will

not affect the remainder of the sentencing schedule, provided that McGonigal complies with that schedule going forward.

Respectfully submitted,

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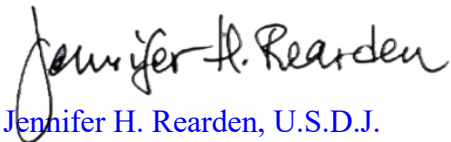
Cc: Defense Counsel (by ECF)

Defendant's deadline to provide the Government with a classified written summary of the intended classified supplement to his sentencing submission is extended to September 22, 2023.

Defendant's PSR interview shall be conducted by September 27, 2023.

The deadline for Probation's first disclosure of the PSR is extended to October 13, 2023. All other PSR and sentencing submission deadlines remain unchanged.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.

Date: Sept. 15, 2023